



STATE OF HAWAII  
STATE PUBLIC CHARTER SCHOOL COMMISSION  
(‘AHA KULA HO‘ĀMANA)

**GENERAL BUSINESS MEETING**

**Minutes of the meeting of Tuesday May 20, 2014**

**Hawaii State Capitol Building  
415 South Beretania Street, Honolulu, Hawaii  
Room: 309**

ATTENDANCE

Mitch D’Olier  
Peter Hanohano (left at 1:06 p.m.)  
Usha Kotner (arrived at: 9:45a)  
Curtis Muraoka (arrived at: 10:36 a.m.)  
Catherine Payne (Chairperson)  
Karen Street (left at 12:27)  
Roger Takabayashi  
Peter Tomozawa (Vice Chairperson) (left at 2:12 p.m.)

ALSO PRESENT

Tom Hutton, Executive Director  
Stephanie Klupinski, Organizational Performance Manager  
Danny Vasconcellos, Organizational Performance Specialist

I. Call to Order

Commission Chair Payne called the meeting to order at 9:35 a.m. Commission Chair Payne said the Commission will follow a strict two-minute time limit on oral testimony, individuals providing testimony will not be able to yield their time to another, and any late written testimony will be distributed to Commissioners after the meeting. Commission Chair Payne assured attendees that the previous discussion is still fresh in the Commissioners’ memories, and out of respect for time encourage previous testifiers to allow new testifiers the opportunity to testify.

II. Action on Committee Reports

A. Applications Committee

1. Action on Charter School Application for North Shore Middle School

Commission Chair Payne asked any Commissioners with conflicts to recuse themselves. No Commissioners noted any conflicts.

Commissioner Mitch D'Olier shared that the Applications Committee recommended a denial of the application submitted by North Shore Middle School ("NSMS"). Commissioner D'Olier shared that the Applications Committee discussed the application at length and noted that there is a great deal of community support. Commissioner D'Olier shared that he felt that the application team presented an exciting vision but the plan did not explain how the school would work. He cited issues with curriculum, blended learning integration with project-based learning and a staffing plan that was difficult to understand.

Executive Director Tom Hutton recounted the concerns of the evaluation team. Basically, the application contained many ideas, but the plan and implementation were problematic, which raised concerns about capacity. Hutton acknowledged that school supporters demonstrated their passion and support but questioned whether such passion and support could overcome the weaknesses in the application.

Because NSMS was a repeat applicant, Hutton highlighted some of the differences between the application process this year and last year.

Hutton recapped that the evaluation team had concerns with the academic plan, staffing, IT support, and volunteer management. Hutton noted that having volunteers is of course a positive, but the model the applicant presented entailed responsibility for managing volunteers falling on already overburdened teachers. Hutton shared that while many problems in the application may seem manageable in isolation, collectively they raise doubt as to whether the proposed school would be successful. He said that if this application were to be approved, it would essentially have to be rewritten because of the problems identified, and that this was not a luxury afforded to other applicants.

Commissioner Peter Tomozawa noted that the evaluation team was comprised of external experts in addition to Commission staff. Commission Chair Payne called for public testimony.

Sheila Buyukacar, a member of an unsuccessful applicant group, testified in support of NSMS. Buyukacar said the plans and decisions of NSMS did not start with the writing of an application but started years ago because of the group's deep desire to take steps necessary to offer an engaging and teaching environment for students, families, and community. She shared that over the last month, they have been told on numerous occasions the written application is put through a more rigorous process to determine success. Buyukacar had spoken to some current charter school leaders and related that they do not believe they would have made it through today's process. She felt the improved process is subjective and questioned whether the process was an improvement in the service the Commission provides if currently established schools could not make it through the new process. She said NSMS has hundreds of supporters and thousands of fundraised dollars, and brought a community together only to be told

that the plan is not good enough and not ready by evaluators who have nothing to lose. She felt the process is not giving NSMS an opportunity to succeed. Buyukacar shared that it is the Commissioners' responsibility and opportunity to use their authority to approve the charter request, and that the only losers in a denial are the children.

Tracy Harris, NSMS Governing Board Member, provided testimony in support. Harris shared she lives in Sunset Beach, and has four children. Harris shared last year NSMS received high marks. Harris shared they took the feedback and hired the largest charter school consulting group in the country to make sure their application was more detailed based on the application procedures including curriculum, financials, and staffing. However, the evaluation of this year's application still found numerous places where they failed. She shared that the recommendation report stated that NSMS failed to fully understand the proposed blended learning model, but she stated that the blended learning model did not change from last year, so she questioned how it could fail this year. Harris shared that their team used successful models in designing the program, including the largest charter school in Hawaii that uses a blended learning format, and used successful formats from other charter schools both locally and nationally to create their blended course work curriculum. Harris shared the proposed school leader advocates a style of learning based on her experience as a program director of an online school and her experience in the school setting. Harris shared that the application showed a clearly defined plan based on prior professional experience and using previous successful formats both nationally and locally in our state. Harris shared that the application clearly provided detailed specifics on our learning model and how they would implement it. Harris asked the Commission to reconsider the recommendation to deny their application. Harris shared that the community needs the school, is ready for it, and has the support of Senator Clayton Hee.

Monique Mironesco, NSMS Governing Board Member, provided testimony in support. Mironesco shared two things that stand out regarding the evaluation team's concerns: 1) leadership capacity; and 2) a problematic blended learning model. Mironesco shared she has done research on the success of blended learning and teaches a class to adults. Although not the same, the blended learning model has been proven in different settings and levels of education. Mironesco said that proposed school leader Dali Pyzel has leadership capacity since she has experience as a program director of an online school, and she suggested establishing a mentorship charter leader program to help the school through the opening and beyond. Commissioner Peter Hanohano asked Mironesco about her educational background. Mironesco shared she has a Ph.D in Political Science, has been a professor at the University of Hawaii West Oahu for the last ten years, and has online teaching experience. Commissioner D'Olier asked for further information on project based learning and blended learning. Mironesco shared that she does something similar. Mironesco shared what the application proposes. Commissioner D'Olier asked how much time Mironesco would be putting in as a board member. She responded that she could commit eight hours a month, if not more.

Commissioner D'Olier asked for clarification regarding the Charter School Management Corporation, Inc., which was hired to assist with the application. Mironesco shared that the firm assisted on the financial matters.

Melissa Ginella, NSMS Governing Board Member, provided testimony in support. Ginella shared information regarding the growth of Sunset Elementary School and the experience she has with working with principals. Ginella shared Pyzel is qualified, and they know what a principal needs to do.

Commissioner Tomozawa shared that there seems to be some concern with Pyzel's leadership. Commissioner Tomozawa asked the applicant team if they would entertain replacing Pyzel as leader. Ginella said yes; they support the school 100%. Ginella shared they are hoping for a mentorship program, but are willing to do what's best for the school.

Commission Chair Payne recognized written testimony from Jennifer Johnson in support of NSMS.

Commissioner Tomozawa commended the evaluation team and Application Committee on a great job, but expressed his belief that in life passion, determination, and grit count more than plans. Commissioner Tomozawa stated that he was in favor of the application based on his own experience in hiring and the importance of people's desire to succeed.

Commissioner Takabayashi shared his belief that great things do happen with passion, but stated that he was in favor of the Committee's recommendation to deny the application. He noted that the Commission is tasked by the Legislature with authorizing "highly quality" charter schools. Commissioner Takabayashi shared that an approved application should allow anyone to follow the plan and make it work; and according to the evaluators this application lacked many essential elements.

Commissioner Hanohano shared that he was in favor of approving the application.

Commissioner D'Olier asked staff about the timeline of the application process. Hutton discussed the application process timeline and stated that there is no statutory issue. Commissioners discussed applicants that were approved in the previous cycle. Commissioner D'Olier shared his concerns with the academic plan. Commissioner Hanohano shared his thoughts on charter schools and choosing people verses paper.

Commissioner Usha Kotner asked the applicant team whether the applicant had an opportunity to speak and receive feedback from the charter school community or experts in the field. Pyzel shared that they received a lot of feedback and have relationships with Buffy Cushman-Patz, Nick Driver, and Charter School Management Corporation, Inc., and that the community has the ability to raise money to hire consultants. Pyzel also shared that they attended the Hawaii Public Charter School Network's ("HPCSN") application conference, and spoke with Lynn Finnegan, Executive

Director of HPCSN, about the process and approach to certain parts of the application. Pyzel shared her frustration of the process. Commissioners discussed the application process further with applicant team.

Commissioner Karen Street asked staff if NSMS's application from last year to this year showed growth or contained different responses. Hutton shared that the process this year allowed a clean slate for the applicant; however, in response to recent Commissioner questions and discussions, staff reviewed last year's application evaluation and the federal CSP grant evaluation. Hutton shared that the recommendation report from this year, the evaluation from last year, and the federal CSP grant evaluation all identified similar concerns and the proposal.

Stephanie Klupinski, Organizational Performance Manager and Evaluation Team Lead, shared that there were similarities between last year's application to this year's in terms of inadequate research, the absence of cohesiveness to the blended learning model, unclear block scheduling, a lack of leadership capacity, the absence of standards and criteria for some classes. The recommendation report also shared similarities with the federal CSP grant evaluation. Klupinski shared that regarding the federal CSP grant, there were 71 applicants and North Shore Middle School ranked 29 out of 71. Klupinski clarified that there were two schools that did not have a performance contract but still were in the top 16 schools that received a grant. She said that there were areas where NSMS received maximum points (such as diversity, targeted military, and ELL); however, they received low points in the personnel section, which correlates with the concerns expressed in both last year's and this year's evaluation. This was one example of correlation of the various evaluations.

Commissioners discussed the various elements to consider when approving or denying an application.

Hutton reminded Commissioners that the approved Ka'u Learning Academy ("KLA") application was not perfect, but it had elements in place that signaled that the applicant team had the collective capacity necessary to get the job done. Commissioner D'Olier shared his concerns with the NSMS application.

Commissioner Curtis Muraoka asked for information on the project-based learning element. Kirsten Rogers, Academic Performance Specialist and Evaluation Team Member, shared that she was concerned with the implementation of the proposed school's project based learning. Additionally, she had concerns with the overall academic plan for a number of reasons, including the fact that it contained an elective class (which amounted to 10 hours a week), but had no standards or learning outcomes. Klupinski shared another example: the Friday class, which is described as a service program that has a goal for students to raise \$4,000 a year but does not describe an educational purpose.

Commissioner Muraoka asked if the proposed curriculum is aligned with Common Core and Department of Education ("DOE") requirements. Stephanie Shipton, former

Evaluation Team Member shared that the applicant referenced an online program that stated it was aligned with common core, but there were no crosswalks provided to prove the alignment. Rogers shared that the online program selected is good, but the issue was that there was no professional development for teachers to develop lesson plans based on the online program curriculum. Pyzel said that an existing charter school, Hawaii Technology Academy, has a teacher who is responsible for 300 students using their online program and noted that under the proposed school's plans, teachers would be responsible for much fewer students. Pyzel shared that she believes that it is a judgment call and feels the concerns are subjective rather than objective based on the Commission's published criteria. Commissioner Muraoka shared that he had concerns if the project-based learning was not articulated. Pyzel shared that she felt it was articulated and clearly identified the career pathways. Pyzel expressed concern about the limitations of the application itself.

Commissioners discussed the opportunity of approving an application with contingencies. Commissioners discussed fairness implications to all applicants. Commissioners discussed the application further. Commissioner Muraoka reminded the applicant that if the Commission decided to deny the application, the applicant would have an opportunity to appeal to the Board of Education ("BOE").

**Motion to deny North Shore Middle School 2013 charter school application with 5 ayes (D'Olier, Kotner, Muraoka, Street, Takabayashi) and 2 nays (Hanohano, Tomozawa) passed.**

Commission Chair Payne called for recess at 11:03 a.m. and reconvened at 11:15 a.m.

**B. Performance & Accountability Committee**

**1. Action on Revisions to the State Public Charter School Contract Template**

Hutton shared that the contract template is not perfect, but that it is a very good, clear, and fair contract. Hutton shared that the proposed revised motion reiterates the Commission's commitment to the Academic Performance Framework and re-opens the discussion in terms of Hawaiian immersion education and assessment. Hutton shared that the third motion is that in response to subsequent legal and other developments, staff will come back to the Commission with a recommendation for necessary contract revisions. Hutton discussed the contract timeline, school concerns, and the spirit of the contract.

Commission Chair Payne called for public testimony.

John Thatcher, Principal of Connections Public Charter School provided testimony. Thatcher shared he stood by his submitted written testimony.

Kehaulani Shintani, Vice Chair of Governing Board for Ke Kula 'o Nawahiokalani 'Opu'u iki Lab ("Nawahi"), provided testimony. Shintani shared that Nawahi's Governing Board

supports including a statement in the contract that provides that any charter school may comply with any Federal or State law relating to the Hawaiian language by providing education through Hawaiian. The inclusion of reference to laws relating to the Hawaiian language is essential to the school carrying out its mission as a Hawaiian medium school. Shintani shared that they also support written testimony submitted by Taffi Wise and Nā Lei Na‘auao – Native Hawaiian Charter School Alliance (“NLN”) and echo the request to honor the intent of Act 130 and the task force and provide schools the opportunity to negotiate a bilateral contract with *aloha* and accommodate individual needs and the ideology directed by Policy 2104 and 2105.

Taffi Wise, representing Kanu o ka ‘Āina New Century Public Charter School (“Kanu”), provided testimony recounting recent accomplishments by the school and said the current contract allows us to do that and thanked the Commission for their efforts as they continue to do what they do. Commissioner Muraoka asked Wise for clarification about her testimony stating that students are able to do the activities she described because of the contract. She shared that this is the case if the contract is implemented correctly. Commission Muraoka asked whether the contract provides flexibility. Wise shared that it sets precedence and that the Commission can easily fall back to a systemic bureaucracy contrary to what charters are created to do.

Commissioner Kotner asked Wise to speak about contract timing and issues raised. Wise shared there was a difference of opinion regarding the interpretation of the negotiation of the contract. Wise shared that their understanding last year was that they would sign the current contract and have an opportunity to negotiate next year. Wise claimed that there has been no open dialogue. Wise suggested having both the Commission’s and charter schools’ deputy Attorneys General go through the contract line by line to come to a mutual understanding or implementing a task force for a more collaborative process. Wise shared that it would help to understand why the Commission staff requests information and to negotiate with each individual school, which she said is provided for in Act 130, or maybe talking to three schools at a time.

Commissioner Hanohano asked Wise to share her concerns with the implementation of the contract. Wise said to create a form compliance contract without school uniqueness sends a message and the contract allows for no flexibility. Commissioner Hanohano shared his belief that the contract is primarily about accountability, not innovation and creativity. Wise shared that it is broader and she only sees one side of autonomy and accountability.

Commissioners discussed the issue of measuring performance in the Hawaiian language. Commissioner Tomozawa shared the intent of the contract, the development of the contract, and reported statistics on the number of changes to the contract provided by Commission staff, charter schools, and other stakeholders. Commissioner Tomozawa shared the charter world has changed since Act 130. Wise shared the importance of having a little more time to do their due diligence and discuss specific items. Wise shared they would be willing to organize the schools together to have another discussion. Commissioners discussed further the meeting suggestion.

Haunani Seward, Director of Ke Kula Niihau O Kekaha (“KKNOK”), provided testimony. Seward applauded the BOE for adopting and revising BOE policies 2104 and 2105 and asked the Commission and staff to support Hawaiian focused charter schools presently implementing the BOE policies. Seward shared her understanding that a school that does not pass the Strive HI bar would not receive a charter contract. Seward shared that without weighting what KKNOK does in Hawaiian education they will never pass the bar since 50% of their time is spent on their mission and vision in Hawaiian education. Commission Chair Payne noted on-going discussions with DOE and the expectation that there will be a system-wide change in the future. Commissioner Tomozawa assured the testifiers it is not the ambition of the Commission to close down schools. Commissioners discussed the purpose of the contract.

Charlene Hoe, Director of Hakipu‘u Learning Center (“Hakipuu”), provided testimony. Hoe shared her concern that they are losing focus on the community-based and innovation elements of charter schools. Hoe thanked the Commission for the second round of meetings staff held on the contract. She shared that staff has gone through many meetings and that she participated in two. Hoe shared their deputy Attorney General has had an opportunity to review the draft contract. Hoe shared that Hakipuu formally requested that their School-Specific Measures be included in their Academic Performance Framework and considered at 25% weight.

Allyson Tamura, Co-administrator at Kanu, provided testimony asking the Commission to extend the timeline for approving the contract and allow more time to meet and discuss the contract further.

Pat Bergin, Co-administrator at Kanu, provided testimony. Bergin thanked the Commission and staff for their hard work. Bergin shared the importance of dialogue and that all parties are *pono* with the decision. Bergin shared she is speaking for the Native Hawaiian Alliance. Bergin shared they cannot move forward unless all are *pono*. Bergin shared it is not push back, or resistance, but for better understanding. Bergin requested more time, dialogue, and said they are not afraid of accountability.

Huihui Kanahele-Mossman, Ka ‘Umeke Ka‘eo (“Ka Umeke”) provided testimony. Kanahele-Mossman shared their struggle with using the translated test and shared the bigger issue with testing. Kanahele-Mossman shared her experience with the State, which is the State will always fall back on what is written down on paper, which is HSA and SBAC results. Kanahele-Mossman requested an extension of the contract and review of the assessment piece. Kanahele-Mossman shared her excitement with the possibility that Hawaiian immersion charter schools can set the model for the rest of the Hawaiian immersion schools in the State. Commissioner Hanohano recognized that Kanahele-Mossman and Ka Umeke opened the World Indigenous People Conference on Education conference, which was recently held in Hawaii.

Melissa Pavlicek, Kamehameha Schools, provided testimony on behalf of Wai‘ale‘ale Sarsonsa. Pavlicek shared their concerns of wanting accountability and academic rigor,



but was sensitive to promoting innovation and cultural-based learning. Pavlicek shared that they are encouraged about Hawaiian language; there is a broader issue on assessing students in project-based learning setting. Pavlicek shared her concern with how late schools obtained legal counsel. Pavlicek shared they would be willing to participate in providing collaborative feedback in an additional meeting.

Kaleimakamae Ka'auwai, Director of Kawaikini New Century Public Charter School ("Kawaikini"), provided testimony. The school received a 6-year WASC accreditation at the beginning July 2014. Kaauwai shared that the accreditation has helped establish what they have done and what still is needed. Kaauwai shared his concern with the contract – compliance, that things in the contract that are strenuous, and distract what they are trying to do. Kaauwai shared that Kawaikini is a school of innovation and choice and wants to be compliant, and feel overwhelmed with what needs to be done and the reports required. Kaauwai asked the Commission for help to move forward as opposed to holding them down.

Mapuana Waipa, Ke Ana La'ahana Public Charter School provided testimony. Waipa echoed the testimony provided and shared that they look forward to bringing the deputy Attorneys General, staff, and Commission together. Waipa shared they have had to do more with less and continue to do it because it is for the children.

Commission Chair Payne recognized written testimony by John Thatcher, David Rizor, and Taffi Wise.

Commissioner Takabayashi shared that there has been a lot of requests for extensions and noted that by law, July 1, 2014 charter schools need to sign a contract for the upcoming year in order to receive their first per pupil allocation. Commissioner Takabayashi asked what happens if there are future developments requiring changes the contract. Hutton shared if there are changes through the law, or developments with respect to the federal government, accountability, staff will come to the Commission and propose changes to the contract. Commissioner Tomozawa shared that the contract can be amended at any point, which Hutton confirmed.

Commissioner Tomozawa shared his interest in having one more meeting to have both deputy Attorneys Generals present with relevant parties. Commissioners discussed the distribution of funds, contract, and proposed additional meeting. Klupinski shared that the term of the new contract would be three years with criteria is to be developed for a two-year extension and closure. Commissioner Kotner shared that she was concerned with the unknown conditions of closure. Hutton shared that you cannot set criteria without the implementation and experience of the frameworks. Commissioners discussed the contract further and proposed an additional meeting.

Commissioners stated that additional dialogue with present charter leaders and staff would take place on Friday, May 23, 2014 and asked staff to reach out to all charter leaders for additional dialogue.

Commission Chair Payne called for recess at 1:06 p.m. and reconvened the meeting at 1:26 p.m. Commissioners discussed sunshine law to postpone meeting agenda items and quorum for action.

Commissioners, charter school leaders, and staff discussed the contract template further.

**Motion (Takabayashi/D'Olier) to postpone agenda items: Action on Revisions to the State Public Charter School Contract Template, Update on 2014 Legislative Session, and Presentation of Executive Director's Report until next General Business meeting scheduled for Tuesday, May 27, 2014 in room 309 at 9:00 a.m. passed unanimously.**

### III. Adjournment

Commission Chair Payne adjourned the meeting at 4:00 p.m.